

-Washington, Friday, February 3, 1939

Rules, Regulations, Orders

TITLE 7-AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

[F. C. I. R.—Series 1, No. 1 Supp. 3]

AMENDMENT TO REGULATIONS RELATING TO WHEAT CROP INSURANCE

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691 of the 75th Congress, approved June 22, 1938, Section 1 of the Regulations Relating to Wheat Crop Insurance, as amended, is hereby amended by adding the following term and its meaning as a part thereof:

Seeded wheat or wheat seeded for harvest as grain means wheat drilled, wheat broadcast and covered after proper preparation of the seed bed, wheat self-seeded or remaining on the ground in an amount adequate to produce a normal crop and poperly covered by subsequent tillage of the soil.

Adopted by the Board of Directors on January 11th, 1939.

[SEAL]

M. L. Wilson, Chairman.

Approved, February 1, 1939.

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 39-394; Filed, February 2, 1939; 12:18 p. m.]

SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1939 CROP

[Revised]

Whereas, Section 302 of the Sugar Act of 1937 provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made

¹3 F.R. 1013 DI.

shall be the amount of sugar or liquid sugar commercially recoverable as determined by the Secretary, from the sugar bects or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate chare for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or precessed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insefar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers.

and

Whereas, subsection (c) of section 301 of said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwish directly affect interstate or foreign commerce, in excess of the proportionate there for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crep normally would be marketed.

and

Whereas, the Secretary of Agriculture, on September 23, 1938, estimated the amount of sugar required to be processed from the 1939 crop in the mainland cane sugar area to meet the estimated quota (including a normal carry-over inventory) for that area, for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE: Federal Crop Insurance Corpo-Page ration: Wheat crop insurance, regulations amended_____ 505 Sugar Division: Proportionate shares for farms in mainland cane sugar area for: 1939 crop (revised)_ 505 1940 crop___ 506 TITLE 16—COMMERCIAL PRACTICES: Federal Trade Commission: Cease and desist orders: Carter Carburetor Corp_ Ross Roy Service, Inc., et Universal Trading Co., etc. TITLE 17-COMMODITY AND SECURI-TIES EXCHANGES: Securities and Exchange Commission: Securities Exchange Act of 1934, amendments rules, etc. 509 TITLE 50-WILDLIFE: Bureau of Biological Survey: Alaska Game Law regulations, amendments___ 509 Savanfiah River Wildlife Refuge, Ga., and S. C., fishing permitted_ 510 NOTICES Securities and Exchange Commission: Central Illinois Electric and Gas Co., hearing... 510 Community Natural Gas Co., withdrawal of application__ 510 Engineers Public Service Co., correction order__ United States Civil Service Commission: Apportionment at close of busi-

ness, January 31, 1939____



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer

or Acting Public Printer.
The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publica-tion of the Federal Register should be ad-dressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

would be marketed, to be 406,000 tons of sugar, raw value;

Now, therefore, pursuant to the foregoing sections of said act, I, H. A. Wallace. Secretary of Agriculture, do hereby make the following determination:

SEC. 802.26a Proportionate shares for farms in the mainland cane sugar area for the 1939 crop.—(a) Proportionate share calculation: Maximum. The proportionate share of sugarcane for any farm in the mainland cane sugar area for the 1939 crop shall be equal to 75 per centum of the 1938 proportionate share, or 100 per centum of the acreage measured for harvest under the 1938 mainland sugarcane program, whichever is smaller, but in no event shall the proportionate share be in excess of 60 per centum of the cropland which was suitable for the production of sugarcane during the 1938 crop season, except as provided in paragraph (b) hereof: Provided, however, That for any farm for which a 1938 proportionate share was established pursuant to paragraph (a) of the determination of proportionate shares for farms in the mainland cane sugar area for the 1938 crop, the 1939 proportionate share shall be not less than the lesser of either: (i) 18 acres, or (ii) the planted proportionate share acreage measured for harvest under the 1938 mainland sugarcane program.

- (b) Minimum share. At the option of the producer(s), the minimum proportionate share shall be the largest of the following:
- (1) For any farm, the sum of the acreage planted to sugarcane for sugar in the fall of 1937, the spring of 1938, and the fall of 1938 prior to October 1. 1938, but not in excess of the 1938 proportionate share;

- suitable for the production of sugarcane, one-third of such acreage, but not less than 5 acres:
- (3) For farms having more than 30 acres suitable for the production of sugarcane, ten acres in any event, with a further addition of one-fourth of such acreage in excess of 30 acres, provided there is plowed under a leguminous crop, immediately prior to and in preparation for the 1938 fall planting of sugarcane, on an acreage equivalent to the difference between the acreage determined pursuant to this subparagraph (3) and paragraph (a) above.
- (c) Tenant and share-cropper protection. In addition to the foregoing, the following conditions shall be met:
- (1) That no change shall have been made in the leasing or cropping agreements for the purpose of diverting to any producer any payment to which tenants or share-croppers would be entitled if the 1938 leasing or cropping agreements were in effect.
- (2) That there shall have been no interference by any producer with contracts heretofore entered into by tenants or share-croppers for the sale of their sugarcane.

This determination supersedes the "Determination of Proportionate Shares for Farms in the Mainland Cane Sugar Area for the 1939 Crop, pursuant to the Sugar Act of 1937", issued October 4, 1938.1 (Sec. 302, 50 Stat. 910; 7 U. S. C., Sup. III, 1132)

Done at Washington, D. C., this 1st day of February 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 39-393; Filed, February 2, 1939; 12:18 p. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1940 CROP

Pursuant to the provisions of Section 302 of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determination:

Sec. 802.26b Proportionate shares for farms in the mainland cane sugar area for the 1940 crop—(a) Proportionate shares for growers whose 1939 proportionate share acreages were reduced by 25%. The proportionate share of sugarcane, in terms of planted acreage, for the 1940 crop for any farm in the mainland cane sugar area for which a 1939 proportionate share is established pursuant to paragraph (a) of the determi-

(2) For farms having 30 acres or less | nation of proportionate shares for the 1939 crop shall be equal to the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program.

- (b) Proportionate shares for small growers who harvested sugarcane in 1939. The proportionate share of sugarcane, in terms of planted acreage, for the 1940 crop for any farm in the mainland cane sugar area in which the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program is 10 acres or less shall be equal to such planted proportionate share acreage: Provided, however. That for any such farm in which the planted acreage measured for harvest under the 1939 mainland sugarcane program is less than the 1939 proportionate share acreage obtainable under the determination of proportionate shares for the 1939 crop, the 1940 proportionate .share shall be equal to such planted acreage plus such additional acreage as may be applied for in an application which must be filed at such time and in such manner as may be prescribed by the Secretary of Agriculture; but in no event shall the 1940 proportionate share for any such farm be in excess of the lesser of either; (i) 10 acres, or (ii) the 1939 proportionate share obtainable under the determination of proportionate shares for the 1939 crop.
- (c) Proportionate shares for new growers. The proportionate share of sugarcane, in terms of planted acreage, for the 1940 crop for any farm in the mainland cane sugar area for which a 1939 proportionate share is not established shall not be in excess of the lesser of either: (i) 10 acres, or (ii) one-third of the acreage on the farm suitable for the production of sugarcane. Applications for proportionate shares under this paragraph (c) must be filed at such time and in such manner as may be prescribed. by the Secretary of Agriculture.
- (d) Proportionate shares for other growers. The proportionate share of sugarcane, in terms of planted acreage, for the 1940 crop for any farm in the mainland cane sugar area to which paragraphs (a), (b) and (c) above are not applicable shall be equal to the 1940 base acreage for the farm, calculated in accordance with paragraph (e) below, multiplied by the fraction whose numerator shall be the total proportionate share acreage for the 1940 crop (as estimated by the Secretary) required to be allocated to farms in the mainland cane sugar area to enable the area to meet its quota (and provide a normal carryover inventory) for the calendar year during which the larger part of the sugar from such crop normally would be marketed, less the total 1940 proportionate share acreage allocated pursuant to paragraphs (a), (b) and (c) above, and whose denominator shall be the sum of the 1940 base acreages calculated in accordance with paragraph (e)

¹³ F.R. 2378 DI.

portionate share for the 1940 crop for any farm in which the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program is equal to or greater than 10 acres shall not be less than 10 acres.

(e) 1940 base acreage. The 1940 base acreage for any farm in the mainland cane sugar area to which paragraph (d) above is applicable shall be:

- (1) For any such farm for which a 1939 proportionate share is established pursuant to subparagraph (1) of paragraph (b) of the determination of proportionate shares for the 1939 crop, 75 per centum of the 1938 proportionate share for the farm.
- (2) For any such farm for which a 1939 proportionate share is established pursuant to subparagraph (3) of paragraph (b) of the determination of proportionate shares for the 1939 crop, the lesser of either: (i) 10 acres, plus 75 per centum of the 1939 proportionate share acreage in excess of 10 acres, or (ii) the planted acreage measured for harvest under the 1939 mainland sugarcane program.
- (f) Tenant and share-cropper protection. In addition to the foregoing, the following conditions shall be met:
- (1) That no change shall have been made in the leasing or cropping agreements for the purpose of diverting to any producer any payment to which tenants or share-croppers would be entitled if the 1939 leasing or cropping agreements were in effect.
- (2) That there shall have been no interference by any producer with contracts heretofore entered into by tenants or share-croppers for the sale of their Trade Commission, held at its office in sugarcane.

(Sec. 302, 50 Stat. 910; 7 U.S.C., Sup. III, 1132)

Done at Washington, D. C., this 1st day of February 1939. Witness my hand and the seal of the Department of Agriculture.

INEAT.

H. A. WALLACE, Secretary.

[F. R. Doc. 39-392; Filed, February 2, 1939; 12:18 p.m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3125]

IN THE MATTER OF THE ROSS ROY SERVICE. INC., ET AL.

Sec. 3.6 (a) (12a) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Independence of other affiliation: Sec. 3.6 (a 10) Advertising falsely or misleadingly—Comparative Data. Representing, directly or indirectly, in connection with publishing and offering for sale, etc., in interstate commerce or in District | 12 F. R. 2212 (2571 DI).

data, etc., on the part of respondent service, and respondent refrigerator company, their agents, etc., that such statistical data and comparisons of various competitive refrigerators are authoritative and unbiased, or that respondent, Ross Roy Service, Inc., is an independent organization not affiliated with any manufacturer when cost of such publication or any part thereof is borne by the manufacturer whose product is used as a base for such data or comparisons, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S. C., Supp. IV, sec. 45b) [Cease and desist order, The Ross Roy Service, Inc., et al., Docket 3125, January 19, 1939]

Şec. 3.6 (b) (2) Advertising falsely or misleadingly—Competitors and their products—Competitors' products: Sec. 3.48 (b) (7) Disparaging competitors and their products-Goods-Quality. Disparaging, in connection with publishing and offering for sale, etc., in interstate commerce or in District of Columbia, of compilations of statistical data, etc., on the part of respondent service and respondent refrigerator company, their agents, etc., through the medium of advertising literature, or under the guise of statistical data, comparisons, or in any other manner, the refrigerators of competitors of those manufacturers whose products are used as a base for such comparisons, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Ross Roy Service, Inc., et al., Docket 3125, January 19, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal the City of Washington, D. C., on the 19th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE ROSS ROY SERV-ICE, INC., A CORPORATION, AND KELVINA-TOR CORPORATION, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard? by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by William L. Pencke, counsel for the Com-mission, and by Waldo C. Granse and Richard Ford, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have vio-

below: Provided, however, That the pro- | of Columbia, of compilations of statistical | lated the provisions of the Federal Trade

Commission Act;
It is ordered, That the respondents, The Ross Roy Service, Inc., and Kelvinator Corporation, their respective officers, representatives, agents, employees and successors, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of compilations of statistical data, books and literature containing statistical data and other advertising material in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing directly or indirectly in connection with the publishing and offering for sale of statistical data and comparisons of various competitive products that such data or comparisons are authoritative and unbiased or that the respondent, Ross Roy Service, Inc., is an independent organization not affiliated with any manufacturer when the cost of such publication or any part thereof is borne by the manufacturer whose product is used as a base for such statistical data or comparisons.

2. Disparaging through the medium of advertising literature, or under the guise of statistical data, comparisons, or in any other manner, the products of competitors of those manufacturers whose products are used as a base for such comparisons.

It is further ordered, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-324; Filed, February 2, 1939; 10:34 a. m.]

[Docket No. 3279]

IN THE MATTER OF CARTER CARBURETOR COMPORATION

SEC. 3.24 (c) (1 a) Coercing and intimidating-Customers of competitors-By threatened loss attractive business in preponderant and established product: Sec. 3.39. Dealing on exclusive and tying basis. Directly or indirectly (1) making or renewing contracts for sale of carburetors and carburetor parts to automotive vehicle service stations or other retail dealers, or (2) fixing prices for such products or discounts charged or allowed, or to be charged or allowed, to such stations or other retail purchasers, on condition or understanding that they shall not use or deal in goods or merchandise of a competitor or competitors of respondent, or (3) informing or notifying such stations or other retail dealers that, if they use or deal in such products of a competitor or competitors.

price for such products of respondent's manufacture, or will cease to receive service information from respondent, or their service station contracts will be terminated: or requiring or causing any distributor or zone distributor of, or any wholesale dealer in, respondent's said products (1) to do any of the acts or engage in any of the practices above set forth, or (2) to charge or threaten to charge a higher price for respondent's said products to any non-exclusive dealer-purchaser thereof, as specified, or (3) to terminate the service station contract of, or (4) refuse to sell such products to, any automotive vehicle service station or other retailer using or dealing in goods of a competitor or competitors of respondent; in connection with offer, etc., in interstate commerce or in District of Columbia, of such products to automotive vehicle service stations or other retail dealers; prohibited. (Sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14; Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order. Carter Carburetor Corporation, Docket 3279, January 18, 19391

SEC. 3.39 Dealing on exclusive and tying basis: Sec. 3.57 (a) Inducing breach of competitors' contracts—Customers. Directly or indirectly inducing or attempting to induce any automotive vehicle service station or other dealer in carburetors and parts therefor, in connection with offer, etc., in interstate commerce or in District of Columbia, of such products to automotive vehicle service stations or other retail dealers, to cease or refuse to deal in such products of a competitor of respondent, or to terminate or violate any contract between such service station or dealer and a competitor of respondent, prohibited. Sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14; Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Carter Carburetor Corporation, Docket 3279, January 18, 1939]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint, the answer of the respondent, the testimony taken and evidence introduced at hearings before a Trial Examiner theretofore duly appointed by the Commission, and upon briefs and oral argument of counsel for the Commission and for the respond ent, and the Commission having duly

It is ordered, That the respondent, Carter Carburetor Corporation, and its officers, representatives, agents and employees, in connection with the distribution, sale and offering for sale of carburetors and carburetor parts in interstate commerce or in the District of Columbia, do forthwith cease and desist:

- 1. From directly or indirectly making or renewing contracts for the sale of such products to automotive vehicle service stations or other retail dealers on the condition or understanding that such purchasers thereof shall not use or deal in the goods or merchandise of a competitor or competitors of respondent.
- 2. From directly or indirectly fixing prices for such products, or discounts from such prices, charged or allowed or to be charged or allowed to automotive vehicle service stations or other retailer purchasers thereof on the condition or understanding that such purchasers shall not use or deal in the goods or merchandise of a competitor or competitors of respondent.
- 3. From directly or indirectly informing or notifying automotive vehicle service stations or other retail dealers in such products, or causing any of them to be informed or notified, that if they use or deal in such products of a competitor or competitors of respondent they will be required to pay a higher price for such products of respondent's manufacture, or will cease to receive service information from respondent, or their service station contracts will be terminated.
- 4. From requiring or causing any distributor or zone distributor of its products, or other wholesale dealer therein, to do any of the acts or engage in any of the practices forbidden by paragraphs 1, 2, or 3 hereof; and from requiring or causing any such distributor or wholesaler to charge or threaten to charge a higher price for such products of respondent's manufacture to any purchaser thereof than would be charged if such purchaser did not deal in the goods of a competitor of respondent, or to terminate the service station contract of, or refuse to sell such products to, any automotive vehicle service station or (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp.

they will be required to pay a higher considered the same and being of the other retailer using or dealing in the goods of a competitor or competitors of respondent.

> 5. From directly or indirectly inducing or attempting to induce any automotive vehicle service station or other dealer in such products to cease or refuse to deal in such products of a competitor of respondent, or to terminate or violate any contract between such service station or dealer and a competitor of respondent.

> It is further ordered. That the respondent, Carter Carburetor Corporation, within sixty days after service upon it of this Order, shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied and is complying with this Order.

By this Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-385; Filed, February 2, 1939; 10:34 a. m.]

[Docket No. 3554]

IN THE MATTER OF UNIVERSAL TRADING Co., ETC.

Sec. 3.99 (b) Using or selling lottery dévices-In merchandising. Supplying, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of comb and brush sets, flashlights, pen and pencil sets, jewelry, cosmetics, and various other articles of merchandise, pull cards or circulars having pull tabs thereon, or other lottery devices, to enable persons supplied. to dispose of or sell such merchandiso by use thereof, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Universal Trading Co., etc., Docket 3554, January 19, 19391

Sec. 3.99 (b) Using or selling lottery devices-In merchandising. Mailing, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of comb and brush sets, flashlights, pen and pencil sets, jewelry, cosmetics, and various other articles of merchandise, to respondents' agents or to distributors or to members of the public, pull cards or circulars having pull tabs thereon or other lottery devices so prepared or printed as to enable said persons to sell or distribute such merchandise by use thereof, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S. C., Supp. IV, sec. 45b) [Cease and desist order. Universal Trading Co., etc., Docket 3554, January 19, 1939]

Sec. 3.99 (b) Using or selling lottery devices—In merchandising. Selling, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of comb and brush sets, flashlights, pen and pencil sets, jewelry, cosmetics. and various other articles of merchandise, such merchandise by use of pull cards or circulars having pull tabs thereon or any other lottery device, prohibited.

opinion that the respondent has violated and is violating the provisions of Section 3 of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), and the Commission further being of the opinion that the respondent has been and is using unfair methods of competition prohibited by an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), and having made its report stating its findings as to the facts:

¹³ F.R. 546 DI.

IV. sec. 45b) [Cease and desist order, Universal Trading Co., etc., Docket 3554, January 19, 1939]

Sec. 3.6 (i) Advertising falsely or misleadingly-Free goods or service: SEC. 3.72 (e) Offering deceptive inducements to purchase-Free goods. Falsely representing, directly or indirectly, in connection with offer, etc., in interstate commerce or in District of Columbia, of comb and brush sets, flashlights, pen and pencil sets, jewelry, cosmetics, and various other articles of merchandise, that respondents' merchandise is distributed free or without cost, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp., IV, sec. 45b) [Cease and desist order, Universal Trading Co., etc., Docket 3554, January 19, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1939.

Commissioners: Robert E. Freer. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ISIDORE STEIN, INDI-VIDUALLY AND TRADING AS UNIVERSAL TRADING CO., EASTERN DISTRIBUTING CO., EMPIRE DISTRIBUTING CO., AND THE NATIONAL PRODUCTS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Isidore Stein, individually and trading as Universal Trading Co., Eastern Distributing Co., Empire Distributing Co., and The National Products, or trading under any other name, his representatives, agents and employees, in connection with the offering for sale, sale and distribution of comb and brush sets, flashlights, pen and pencil sets, cigarette cases and lighters, jewelry, toothpaste, shaving cream, spoons, razor blades, perfumes, pocketknives, billfolds, cosmetics and clocks, or any other articles of merchandise in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others pull cards or circulars having pull tabs thereon, or other lottery devices, for the purpose of enabling such persons to dispose of or sell such merchandise by the use thereof;

- to his agents or to distributors or to members of the public pull cards or circulars having pull tabs thereon or other lottery devices so prepared or printed as to enable said persons to sell or distribute such merchandise by the use thereof:
- (3) Selling or otherwise disposing of such merchandise by the use of pull cards or circulars having pull tabs thereon or any other lottery device;
- (4) Representing, directly or indirectly, that his merchandise is distributed free or without cost when such is not the fact.

It is further ordered, That the said respondent shall, within sixty (60) days from the date of the service of this order upon him, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied therewith.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-386; Filed, February 2, 1939; 10:34 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULES X-12B-1 AND X-13A-2. AMENDMENT NO. 18 TO THE INSTRUC-TION BOOK FOR FORM 10, AMENDMENT NO. 5 TO THE INSTRUCTION BOOK FOR FORM 11, AMENDMENT NO. 2 TO FORMS 12 AND 12-A AND INSTRUCTION BOOKS, AMEND-MENT NO. 4 TO FORMS 12-K AND 12A-K AND INSTRUCTION BOOKS

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections the following action:

I. Forms 10 [Sec. 11.10], 11 [Sec. 11.11], 12 [Sec. 11.12], 12-A [Sec. 11.12-A], 12-K [Sec. 11.12-K] and 12A-K [Sec. 11.12A-K] and the Instruction Books for such forms and Rules X-12B-1 [Sec. 10.X-12B-1] and X-13A-2 [Sec. 10.X-13A-21 are amended by inserting the words "or section 220 of the Motor Carrier Act, 1935," immediately after the words "section 20 of the Interstate Commerce Act, as amended," in the rules as to the use of such forms, in the para-

(2) Mailing, shipping, or transporting graphs of Rules X-12B-1 [Sec. 10.X-12B-1] and X-13A-2 [Sec. 10-X13A-2] relating to such forms, and in the titles of Forms 12 [Sec. 11.12], 12-A [Sec. 11.12-A], 12-K [Sec. 11.12-K] and 12A-K [Sec. 11.12A-K] wherever they appear in such forms and instruction books.

> II. The Instruction Books for Forms 12-K [Sec. 11.12-K] and 12A-K [Sec. 11.12A-Kl are further amended as follows:

- 1. The paragraph defining the term "fiscal year", under the caption Definitions is amended by inserting after the words "section 20 of the Interstate Ccmmerce Act, as amended," the words "or section 220 of the Motor Carrier Act, 1935,".
- 2. The last sentence of the instructions as to Exhibit B in paragraph 1 under the caption Instructions as to Exhibits is amended by inserting the words "motor carriers," between the words "carriers by pipe line," and "telephone companies".
- 3. The list of schedules and items in paragraph 3 under the caption Instructions as to Exhibits is amended to read as follows:

"Schedules 102; 103; 104A; 104B; 103; 109; 110; 200A; 200L; 200A (System); 200L (System); lines 41, 49, 57, 58, and 99-101, inc., of 211; 212; 217; 218; 221; 251; 251A; 252; 261M; 261E; 261S; 262; 261P; 263; 275; 282; 283; 284; 285; 286; 286A; 295; 300I; 300P; 300D; 300I (System); 300P (System); 310; lines 112, 113, 114, 147, 148, 149, 160, 215, 220, 228, 245, 246, 247, and 248 of 320; 321; 350; 371A; 383A; 396; classes 800, 810, 820, 830, 840, 850, 710, and 860 of 541; 562; 563; 531; paragraphs 3, 4, and 5 of 591; and verification."

III. The Instruction Book for Form 12A-K [Sec. 11.12A-K] is further amended as follows:

The instruction to item 7 under the caption Instructions as to Particular Items of the Form is amended by inserting the words "motor carriers," between the words "carriers by pipe line," and "telephone companies".

The foregoing action of the Commis-12, 13 and 23 (a) thereof, hereby takes sion shall be effective immediately upon publication.3

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Dec. 39-389; Filed, February 2, 1939; 11:29 a. m.]

TITLE 50-WILDLIFE

BUREAU OF BIOLOGICAL SURVEY PART 3-ALASKA GAME LAW REGULATIONS AMENDMENTS

Pursuant to the authority and direction contained in section 10 of the Alaska Game Law of January 13, 1925

¹C. 404 sec. 12, 48 Stat. 692; c. 462, Sec. 1, 49 Stat. 1375; 15 U. S. C., 781 and Sup. III: c. 404, sec. 13, 48 Stat. 694; 15 U. S. C. 78m; c. 404, sec. 23, 43 Stat. 901; c. 462, Sec. 462, Sec. 49 Stat. 1379; 15 U. S. C. 78w and Sup. III.

February 14, 1931, 46 Stat. 1111 (48 U. S. C. 198), and as amended by act of June 25, 1938, 52 Stat. 1169, I, H. A. Wallace, Secretary of Agriculture, upon consultation with and recommendation from the Alaska Game Commission, and having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, do hereby adopt the following amendments of Regulation 13, "Fur Districts and Open Seasons and Limits on Land Fur-Bearing Animals" (50 CFR 8.13), of the regulations under the Alaska Game Law adopted by the Secretary of Agriculture on April 25, 1938, effective July 25, 1938,1 said amendments to be effective on March 16, 1939:

1. Strike out the words "No open season" after the word "Beaver" under heading "Fur district 1" and substitute therefor the words and figures "March 16 to April 15. Limit.—10 a season."

2. Strike out the words "No open season" after the word "Beaver" under the heading "Fur district 2" and substitute therefor the words and figures "April 10 to May 10, except on Kenai Peninsula, no open season. Limit.—10 a season."

3. Strike out the words and figures "April 25 to May 25" after the word "Beaver" under the heading "Fur district 5" and substitute therefor the words and figures "April 1 to April 30."

4. Strike out everything after the word "Beaver" under the heading "Fur district 6" and substitute therefor the following: "April 20 to May 20, except that there shall be no open season in that part of the Tanana River drainage east of the Richardson Highway and south and east of the divide between the Volkman River drainage and the Goodpaster River drainage. Limit.—10 a season."

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington this 1st day of February 1939.

[SEAL] H. A. WALLACE, '
Secretary of Agriculture.

[F. R. Doc. 39-395; Filed, February 2, 1939; 12:18 p. m.]

PART 3—SPECIAL REGULATIONS FOR THE ADMINISTRATION OF PARTICULAR AREAS

ORDER PERMITTING FISHING WITHIN THE SAVANNAH RIVER WILDLIFE REFUGE, GEOR-GIA AND SOUTH CAROLINA

Pursuant to regulations 2 and 3 of the regulations of the Secretary of Agriculture, dated November 23, 1937, governing the administration of National wildlife

(43 Stat. 739), as amended by act of February 14, 1931, 46 Stat. 1111 (48 U. S. C. 198), and as amended by act of June 25, 1938, 52 Stat. 1169, I, H. A. Wallace, Secretary of Agriculture, upon consultation with and recommendation from the Alaska Game Commission, and having determined when, to what extent and by what means game animals. Festivitions:

Section 3.160 (a) Licenses, Any person exercising the privilege of fishing within the refuge shall be in possession of a valid refuge permit issued by the officer in charge and of a valid fishing license issued by the State in which such fishing is done, if such license is required, and shall carry such permit and license on his person when exercising the privilege thereunder, and when requested to do so shall exhibit them to any representative of the State Game Departments authorized to enforce fishing laws, or to any representative of the Bureau of Biological Survey. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

SEC. 3.160 (b) State fishing laws. Every person who fishes in any of the waters of the refuge must comply with the applicable laws and regulations of the State in which such fishing is done, and in the absence of any State law or regulation in respect to fishing seasons and number and size of the fishes that may be taken, the Chief of the Bureau of Biological Survey, of the United States Department of Agriculture, may fix such seasons and limits; and in the event he shall find that the numbers of fishes in any of the waters of the refuge have been unduly depleted or in the event that fishing in any part of the refuge interferes with the objects for which the refuge was established, he may suspend any or all fishing privileges pending final determination by the Secretary of Agriculture. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

SEC. 3.160 (c) Routes of travel. Persons entering the refuge for the purpose of fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge. (Sec. 10, 45 Stat. 1224;) 16 U. S. C. 715i)

The Order of July 10, 1936, of the Acting Secretary, R. G. Tugwell, permitting fishing within Savannah River Wildlife Refuge, Georgia and South Carolina, is hereby revoked.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington this 1st day of February 1939.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-396; Filed, February 2, 1939; 12:19 p. m.]

Notices

SECURITIES AND EXCHANGE COM-MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securitics and Exchange Commission held at its office in the City of Washington, D. C., on the first day of February, A. D. 1939.

[File No. 47-30]

IN THE MATTER OF COMMUNITY NATURAL GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF AP-PLICATION PURSUANT TO REQUEST OF APPLICANT

Community Natural Gas Company, a subsidiary company of Lone Star Gas Corporation, a registered holding company, having filed an application pursuant to sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition of certain utility assets or interests in business and subsequently thereto having filed with the Commission a request for withdrawal of said application; and

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the applicant, consents to the withdrawal of the above captioned application, and to that effect

It is so ordered.

· By the Commission.

[SEAL] FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 39-390; Filed, February 2, 1939; 11:29 a.m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February, A. D. 1939.

[File No. 32-130]

IN THE MATTER OF CENTRAL ILLINOIS ELECTRIC AND GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the abovenamed party;

It is ordered, That a hearing on such matter be held on February 20, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of

¹³ F. R. 950 DI.

²² F.R. 2537 (2951 DI).

^{*1} F.R. 769 (901 DI).

any declaration, cause shall be shown tioned matter on February 13, 1939 conwhy such declaration shall become tained the following recital: effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 15, 1939,

The matter concerned herewith is in regard to an application by Central Illinois Electric and Gas Company pursuant to Section 6 (b) requesting an exemption from Section 6 (a) in regard to the issue by the applicant of \$2,000,-000 of 33/4% Promissory Notes secured by the pledge of \$3,000,000 principal amount of 5% First and Refunding Mortgage Gold Bonds, due February 1, 1951, to be issued by the applicant; the Secured Notes are to be sold privately to the Northwestern Mutual Life Insurance Company and the Equitable Life Assurance Society of the United States; the proceeds of the issue and sale of the above-described securities are to be used to retire at maturity, March 1, 1939, \$2,035,000 principal amount of 5% First and Refunding Gold Bonds of Rockford Electric Company, heretofore assumed by applicant.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-388; Filed, February 2, 1939; 11:28 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February, A. D. 1939.

[File No. 56-20]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY

CORRECTION ORDER

Whereas this Commission's order of January 30, 1939, giving notice of a hearing to be held on the above-cap-

"If and to the extent that the tenders of Engineers Public Service Company are accepted the proceeds thereof will be used for the purpose of purchasing and cancelling shares of preferred stock of The Western Public Service Company, in the manner hereafter stated."

It is ordered. That said recital be amended to read as follows:

"If and to the extent that the tenders of Engineers Public Service Company are accepted the proceeds thereof will be used for the purpose of purchasing and cancelling shares of its own preferred stock, in the manner hereafter stated."

It is further ordered, That in all other respects said order of January 30, 1939 remain in full force and effect.

By the Commission.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 39-387; Filed, February 2, 1939; 11:28 a.m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, JANUARY 31, 1939

Important.—Although the -roggs tioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	pecitions to which entitled	counting tions of post-	
IN ARREA	RS		
1. Puerto Rico 2. Hawaii 3. California 4. Alaska 5. Texas 6. Louisiana 7. Michigan 8. Arigana	133 141 2,169 23 2,209 1,809 1,809	41 15 73 9 83 89 89	

Number of Number

3, 1939					om	
State Number of pections to which entitled		lions bich	Number of posi- tions occupied			
IN ARREARS—Continued						
9. New Jerrey. 10. South Carolina. 11. Ohio. 12. Michilippi. 13. Alabama. 14. Okiahoma. 16. Arkancas. 16. New Medico. 17. Georgia. 18. North Carolina. 19. Kentucky. 29. Tenterce. 21. Witsonia. 21. Ulinois. 22. Concentrat. 23. Concentrat. 24. Oregon. 25. Delawaro. 27. Florida. 23. Idabo. 23. Pennsylvania. 23. Pennsylvania. 24. New York. 25. West Virginia. 26. West Virginia. 27. West Virginia. 28. West Virginia. 29. West Virginia. 20. Medica. 21. West Virginia. 23. Utah. 24. Meccahoccits.		7		33574535 1,74535 1,74535 1,7453 1,745		
QUOTA FILLED						
35. Nevada 35. Maise			35 296		35 35	
State	ef reci- tions to which		Num ter o peri- tions ceru- pled	C	Net pain r loss since oly 1, 1883	
IN EXCESS						
57. New Hampshire 53. Microusi 57. Kancas 69. Minecula 41. Wechington 42. Coloralo 43. Vernest 44. Neath Bakela 45. Mentan 65. Rhedo Edard 47. Scuth Dakela 48. Iown 69. Nebrocka 69. Vernest 69. Nebrocka 69. Vernest 69. Ver			13 1,41 1,62 41 1,62 41 1,63 1,63 1,64 1,84 1,87	502545131641	######################################	
GAINS 115						
By transfer.					44	
Total LOSSES By congration					162 67	
By capacition. By transfer. Total			*****		67 91 123	

Note.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 14,526.

By direction of the Commission.

ESPAT.

Total Appointments....

L. A. MOYER, Executive Director and Chief Examiner.

[P. R. Doc. 39-391; Filed, February 2, 1939; 11:30 a. m.7

¹⁴ F.R. 479 DI.